

E-FILED on 6/19/06

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re NETOPIA, INC.,  
SECURITIES LITIGATION

C-04-03364 RMW  
And Related Cases

This Order Relates to:


ORDER REGARDING PLAINTIFFS'  
MOTION FOR CLASS CERTIFICATION

All Actions

[Re Docket Nos. 130, 135-38]

The court adopted its tentative ruling which stated, "Defendants challenge only the predominance of common questions under Rule 23(b)(3). Their challenge seems to go more to the merits of claims based on the ICC and Swisscom transactions than whether there are common questions in the claims of all class members, and, given that the relevant Swisscom disclosures came in the middle of disclosures related to ICC, it does not seem appropriate or practical to attempt to define subclasses based on each transaction. There is no evidence that any particular potential class members are situated such that subdivision of the class would be appropriate. Class certification appears appropriate."

DATED: 6/19/06

  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge

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20 **Dated:** 6/19/06

/s/ JH  
**Chambers of Judge Whyte**